

SENATE BILL 1214

By Yager

AN ACT to amend Tennessee Code Annotated, Section 41-8-106, relative to maintenance of certain prisoners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-8-106, is amended by deleting subdivision (c)(1) in its entirety and by substituting instead the following:

(1) Notwithstanding any law to the contrary, counties shall be reimbursed for housing convicted felons for the department at a rate of not less than forty dollars (\$40.00) per prisoner per day. If a county can demonstrate that its reasonable allowable cost in housing a prisoner exceeds this rate, it may be reimbursed for all reasonable allowable costs, including but not limited to operational costs, personnel costs, transportation costs, medical costs, liability costs, capital expenditures, and debt service associated with the county facility. Such costs shall be reimbursed in accordance with the rules and regulations for determining reasonable allowable costs as promulgated by the department, in consultation with the comptroller of the treasury, but in no event shall the reimbursement be less than forty dollars (\$40.00) per prisoner per day. Beginning July 1, 2012, and each succeeding July 1, the reimbursement rate shall be adjusted based upon the percentage of change in the average consumer price index. However, no reduction shall be made by way of adjustment on account of any decrease in the average consumer price index.

SECTION 2. Tennessee Code Annotated, Section 41-8-106, is amended by adding the following new subsection thereto:

(h) In the event that a county has been reimbursed pursuant to this section for housing convicted felons for a continuous period of three (3) or more fiscal years and has received the maximum amount allowed per prisoner per day as reasonable allowable costs during this period, then the county shall thereafter be presumed to be entitled to the full maximum amount allocated per prisoner per day as reimbursement of reasonable allowable costs for housing such prisoners and will not be required to provide documentation to the department regarding costs incurred beyond information necessary to determine the number of prisoner days for which the county is entitled to reimbursement.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.